

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R011-12**

July 5, 2012

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 432A.077, 432A.141, 432A.170 and 432A.175; §§2-5, NRS 432A.077.

A REGULATION relating to children; removing the duty of the Health Division of the Department of Health and Human Services to conduct partial investigations of certain residents and volunteers of a child care facility; requiring directors of nurseries for infants and toddlers in a facility to satisfy certain requirements; and providing other matters properly relating thereto.

**Section 1.** NAC 432A.200 is hereby amended to read as follows:

432A.200 1. An application for an initial license to operate a facility must be:

- (a) Submitted to the Health Division on a form supplied by the Health Division; and
- (b) Accompanied by the following appropriate fee:

- (1) If the facility is to provide care for 5 or 6 children.....\$20
- (2) If the facility is to provide care for 7 or more but not more than 12 children .....60
- (3) If the facility is to provide care for 13 or more but not more than 50 children .....100
- (4) If the facility is to provide care for 51 or more but not more than 100 children .....150
- (5) If the facility is to provide care for 101 or more but not more than 150 children .....200
- (6) If the facility is to provide care for 151 or more but not more than 200 children .....250
- (7) If the facility is to provide care for more than 200 children.....300

2. After receiving a completed application and payment of the appropriate fee, the Health

Division shall:

(a) Conduct an investigation into the qualifications and background of:

(1) Every applicant and his or her employees, other than an educational intern who provides direct care to children for a period of less than 6 months; ~~and~~

(2) Every resident of the facility who is 18 years of age or older ~~;~~

~~—(b) Conduct a partial investigation into the qualifications and background of every resident of the facility who is at least 16 years of age but less than 18 years of age;~~

~~—(c) Conduct a partial investigation into the background of every], other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594;~~

*(3) Every participant in an outdoor youth program who is 18 years of age or older; and*

*(4) Every* volunteer of the facility who is ~~at least 16~~ 18 years of age *or older* and who regularly works for 15 hours or more per week in the facility;

~~[(d)] (b)~~ Inspect the buildings of the facility; and

~~[(e)] (c)~~ Examine the plans for care of the children and management of the facility.

3. Documentation of completed and current investigations must be kept on file at the facility for all persons required to be investigated, for the period of their presence at the facility.

4. Fingerprints must be taken and applications for investigations must be made by:

(a) Every employee or a resident of the facility who is ~~at least~~ 18 years of age *or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594*, and every volunteer *of the facility* who is ~~at least~~ 18 years of age *or older* and who regularly works for 15 hours or more per week in the facility ~~within~~ *not later than* 3 working days after the date of hiring or his or her presence in the facility, and *then at least once* every ~~6~~ 5 years thereafter.

(b) *Every participant in an outdoor youth program who is 18 years of age or older.*

(c) An applicant at the time ~~[of an]~~ *that his or her* application ~~[for initial license.~~  
~~—(e)]~~ *is submitted for licensure, and then at least once every 5 years after the license is issued.*

(d) A licensee every ~~[6]~~ 5 years after the date his or her license is originally issued.

5. ~~[Every 2 years after the investigation conducted pursuant to subsection 2 is completed, the Health Division shall conduct a partial investigation into the background of each volunteer who is at least 16 years of age and who regularly works for 15 hours or more in a facility and into the background of each licensee and employee of a facility.~~

~~—6.]~~ The Health Division shall immediately notify the applicant or licensee if the investigation conducted pursuant to subsection 2 ~~[or 5]~~ indicates that he or she or an employee *of the applicant or licensee* or a resident of the facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or a participant in an outdoor youth program who is 18 years of age or older,* or a volunteer *of the facility who is 18 years of age or older and* who regularly works for 15 hours or more per week in the facility, has been convicted of any offense listed in subsection 2 of NRS 432A.170 ~~[~~  
~~—7.]~~ *or has had a substantiated report of child abuse or neglect filed against him or her.*

6. The license must not be issued until the ~~[Administrator of the]~~ Health Division is satisfied that the proposed facility will be in compliance with the applicable codes concerning safety of human life, environmental health, and building and zoning, as established respectively by the State Fire Marshal, the State Board of Health and the appropriate local government. A report of inspection by the State Fire Marshal, ~~[or]~~ the Bureau of Health ~~[Protection Services]~~ *Care Quality and Compliance* of the Health Division ~~[,]~~ *or a district board of health,* finding

satisfactory conditions, may be accepted by the ~~[Administrator]~~ *Health Division* as proof of compliance with the applicable regulations.

~~[8.]~~ **7.** With the exception of a facility that is licensed by a branch of the military or naval service of the United States, a licensee who has a license to operate a family home or a group home may not obtain a license to operate any other family home, group home or other child care facility.

~~[9.]~~ **8.** An applicant must, before a license is issued to him or her, submit to the Health Division a certificate stating that he or she holds a policy of insurance for protection against liability to third persons which will meet the requirement set forth in subsection 2 of NAC 432A.290. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the Health Division.

~~[10.]~~ **9.** If the applicant and the proposed facility are in compliance with the provisions of this chapter, as shown by his or her application and related material and the investigation, a license will be issued to the applicant within 30 days after completion of the investigation.

~~[11.]~~ **10.** A licensee shall return to the Health Division his or her license if he or she ceases to operate a facility, if the license has been suspended or revoked or if the license is placed on a provisional basis.

~~[12.—As used in this section, “partial investigation” includes, at a minimum, checking the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and performing a background check with local law enforcement.]~~

**Sec. 2.** NAC 432A.260 is hereby amended to read as follows:

1. To maintain his or her license, the licensee must ensure that his or her facility meets all standards for environmental health which are established by the Bureau of Health ~~Protection Services~~ *Care Quality and Compliance* of the Health Division . ~~{of the Department.}~~

2. Reports of inspections concerning the sanitation of a facility must be maintained in a physical file at the facility and available for review at the facility by a parent of a child who attends the facility or a parent who is considering enrolling a child at the facility for at least 2 years after the date of the inspection.

**Sec. 3.** NAC 432A.300 is hereby amended to read as follows:

432A.300 1. The licensee of a child care facility other than a facility that provides care for ill children, an accommodation facility, a special needs facility or a family or group home shall:

- (a) Serve as the director of the facility, if the licensee has the qualifications of a director; or
- (b) Appoint a suitably qualified person to serve as the director.

2. The director of such a facility must be at least 21 years of age and, except as otherwise provided in NAC *432A.420 and* 432A.485:

(a) Have earned a bachelor's or associate's degree and have completed at least 12 semester hours of education, of which:

(1) At least 6 semester hours are in child development; and

(2) At least 6 semester hours are in child development, child psychology, education related to the health of children or ~~in~~ courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care,

↪ and have at least 6 months of verifiable experience which is satisfactory to the Health Division in a program related to child education, early childhood development or child care;

(b) Have earned a high school diploma or, if approved by the ~~Administrator of the~~ Health Division, a certificate based on general educational development, and have completed at least 12 semester hours of education, of which:

(1) At least 6 semester hours are in child development; and

(2) At least 6 semester hours are in child development, child psychology, education related to the health of children or ~~in~~ courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care,

↪ and have at least 2 years of verifiable ~~[-satisfactory]~~ experience *which is satisfactory to the Health Division* in a program related to child education, early childhood development or child care;

(c) Have a current credential as a “Child Development Associate,” which has been issued by the Council for ~~Early Childhood~~ Professional Recognition, *2460 16th Street, N.W.*, Washington, D.C. ~~[20005;]~~ *20009-3547*; or

(d) Have a combination of education and experience which, in the judgment of the ~~Administrator of the~~ Health Division, is equivalent to that required by paragraph (a), (b) or (c).

3. Before a license is issued to a person to operate any child care facility for which a director is required, the person must submit a completed application for approval of the director. The application must be made on a form supplied by the Health Division. The applicant must sign an authorization which gives the Health Division permission to verify any information given in the application.

**Sec. 4.** NAC 432A.420 is hereby amended to read as follows:

432A.420 1. A nursery for infants and toddlers may be a part of another type of facility if each part of the facility meets the requirements of this chapter. If such a nursery is a part of a

larger facility, the director or one caregiver who meets the qualifications of a director *for the nursery* must spend at least one-half of his or her time in the nursery.

2. *The director of a nursery for infants and toddlers in any facility must be at least 21 years of age and must:*

(a) *Be a registered nurse who is licensed to practice in this State and have at least 6 months of verifiable experience which is satisfactory to the Health Division in a program related to the care of children under 3 years of age;*

(b) *Have earned a high school diploma or, if approved by the Health Division, a certificate based on general educational development, and have completed at least 12 semester hours of education, of which:*

(1) *At least 6 semester hours are in infant and toddler development; and*

(2) *At least 6 semester hours are in child development, education related to the health of children or courses directly related to these fields,*

*↪ and have at least 2 years of verifiable experience which is satisfactory to the Health Division in a program related to the care of children under 3 years of age;*

(c) *Have a current credential as a “Child Development Associate for Infants and Toddlers,” which has been issued by the Council for Professional Recognition, 2460 16th Street, N.W., Washington, D.C. 20009-3547; or*

(d) *Have a combination of education and experience which, in the judgment of the Health Division, is equivalent to that required by paragraph (a), (b) or (c).*

3. In a facility where a director is not required, the director of the nursery for infants and toddlers shall ensure that the required number of persons on the staff is maintained.

**Sec. 5.** A person who was approved before the effective date of this regulation as a director of a nursery for infants and toddlers is exempt from the amendatory provisions regarding the qualifications of a director of a nursery for infants and toddlers set forth in NAC 432A.420, as amended by section 4 of this regulation, until 24 months after the effective date of this regulation.